

**REMARKS**

In accordance with the foregoing, claims 19-27 have been added. Claims 1-27 are pending and under consideration. No new matter is presented in this Amendment.

**REJECTIONS UNDER 35 U.S.C. §102:**

In the Office Action at pages 2-5, the Examiner rejects claims 1-18 under 35 U.S.C. §102 in view of Fitzpatrick et al. (U.S. Patent No. 5,757,537). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Fitzpatrick et al. discloses a magneto-optical writing method in which a laser source 640 is driven to heat a magneto-optical medium 670 to allow a magnetic source to encode data on the medium 670. The laser source 640 is driven to generate pulses according to non-precomp and precomp values shown in Tables 1 and 2, where the determination of which table to use is performed by the pattern selector circuit 330. (Col. 1, lines 67-64, col. 7, lines 25-35, col. 9, lines 38-51). However, while described as being used to heat domains of a magneto optical medium to allow magnetic writing of data, Fitzpatrick et al. does not suggest that the laser source 640 actually performs the writing such that the pulses from the Tables 1 and 2 are not writing pulses.

On page 5 of the Office Action, the Examiner asserts that magneto-optical writing is a form of optical writing. As evidence, the Examiner relies upon U.S. Patent Nos. 5,633,844, 5,569,517, and 5,696,752 as teaching that a magneto optical recording medium is merely one type of an overall class of optical recording media. However, it is noted that U.S. Patent Nos. 5,633,844, 5,569,517, and 5,696,752 each suggest that the class of optical recording media include magneto optical media, in which information is recorded magnetically and is optically detected, and phase change and/or dye systems in which information is recorded optically and is optically detected. Thus, to the extent U.S. Patent Nos. 5,633,844, 5,569,517, and 5,696,752 recognize magneto optical and optical recording media as within the general class of optical media, these references also suggest that one skilled in the art would understand these technologies to be distinct. Therefore, one skilled in the art would not confuse technology associated with optically writing to an optical recording medium with technology that encompasses magnetically writing to a magneto optical recording medium.

Consistent with this understanding, it is noted that Fitzpatrick et al. also makes this distinction in col. 1, lines 24-30 and 51-64. In this passage, Fitzpatrick et al. describes a magneto optical disc as having a magnetic recording layer which a magnetic field source

magnetically influences to impart information. In contrast, col. 1, lines 51-57, teaches that magneto optical media are recorded and played on an optical drive, which at times can play "other optical disks" where "[t]hese other optical disk formats include audio CD, CD, CD-ROM, ablative WORM, and phase change WORM." Thus, Fitzpatrick et al. also recognizes that one skilled in the art would draw a distinction between a writing data magnetically to a magneto optical medium and other optical disk formats.

As a general proposition, in order to find that a reference anticipates a claim, the reference must disclose each element of the claim. In interpreting the reference, the Examiner is to broadly interpret the claim, but must do so within the bounds of reason. In re Morris, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), MPEP 2111. Thus, while the Examiner is to avoid reading limitations from the specification into the claims, the Examiner should not interpret claim limitations so broadly as to contradict or otherwise render a limitation meaningless as would be understood by those of ordinary skill in the art. See, In re Cortright, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999), In re Zletz, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), MPEP 2111.01. As such, it is respectfully submitted that there is insufficient evidence of record that one skilled in the art would confuse writing data magnetically to a magneto optical medium and writing data optically to an optical recording medium.

In contrast to the magnetic writing of Fitzpatrick et al., claim 1 recites, among other features, "controlling the write pulse waveform based on a grouping table to generate an adaptive write pulse waveform, the grouping table storing width data of the first and/or last pulses of the write pulse waveform varying according to corresponding stored values of lengths of marks to be written," and "optically writing the input data on the optical recording medium using the adaptive write pulse waveform." As such, it is respectfully submitted that Fitzpatrick et al. does not disclose or suggest the features of claim 1.

For at least similar reasons, it is respectfully submitted that Fitzpatrick et al. does not disclose or suggest the features of claims 3 and 4.

Claims 2 and 5-18 are deemed patentable due at least to their depending from corresponding claims 1, 3, and 4.

#### **PATENTABILITY OF NEW CLAIMS:**

Claims 19-27 are deemed patentable due at least to the patentability of corresponding claims 1, 3, and 4 and since Fitzpatrick et al. does not suggest the use of any form of digital versatile disc in the recited context.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

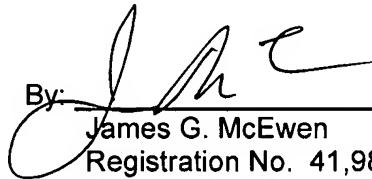
Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

JULY 28, 2006

By:

  
James G. McEwen  
Registration No. 41,983

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510